

House File 2445 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 2109)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act authorizing community colleges and state universities to
2 seek approval to establish charter magnet schools and
3 increasing the number of charter schools that may be approved
4 and providing an effective date.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 1 Section 1. Section 256F.1, subsection 2, Code 2005, is
1 2 amended to read as follows:

1 3 2. A charter school may be established by creating a new
1 4 school within an existing public school or converting an
1 5 existing public school to charter status under section 256F.3,
1 6 subsections 2 through 6, or by creating a charter magnet
1 7 school under section 256F.3, subsection 6A.

1 8 Sec. 2. Section 256F.2, subsection 3, Code 2005, is
1 9 amended to read as follows:

1 10 3. "Charter school" means a state public charter school
1 11 operated as a pilot program. "Charter school" also means a
1 12 charter magnet school as described in section 256F.3,
1 13 subsection 6A.

1 14 Sec. 3. Section 256F.2, Code 2005, is amended by adding
1 15 the following new subsection:

1 16 NEW SUBSECTION. 4B. "Public postsecondary institution"
1 17 means a community college established under chapter 260C or an
1 18 institution of higher education governed by the state board of
1 19 regents.

1 20 Sec. 4. Section 256F.3, subsection 1, Code 2005, is
1 21 amended to read as follows:

1 22 1. The state board of education shall apply for a federal
1 23 grant under Pub. L. No. 107=110, cited as the federal No Child
1 24 Left Behind Act of 2001 (Title V, Part B, Subpart 1), for
1 25 purposes of providing financial assistance for the planning,
1 26 program design, and initial implementation of public charter
1 27 schools. However, if federal funds are no longer available
1 28 for purposes of this chapter, the department may continue to
1 29 approve charter school applications. The department shall
1 30 initiate a pilot program to test the effectiveness of charter
1 31 schools and shall implement the applicable provisions of this
1 32 chapter. The state board shall monitor and review charter
1 33 school progress on the comprehensive school improvement plan
1 34 and student achievement goals established by a charter school
1 35 pursuant to section 256F.4 and on the performance goals and
2 1 objectives described pursuant to section 256F.5.

2 2 Sec. 5. Section 256F.3, subsection 6, Code 2005, is
2 3 amended to read as follows:

2 4 6. Upon approval of an application for the proposed
2 5 establishment of a charter school, the school board shall
2 6 submit an application for approval to establish the charter
2 7 school to the state board in accordance with section 256F.5.

2 8 ~~The~~
2 9 6A. A public postsecondary institution may apply to the
2 10 state board for approval to establish a junior-senior high or
2 11 a senior high charter magnet school. The application
2 12 submitted by a public postsecondary institution shall meet the
2 13 requirements of subsection 6B. In addition to the purposes
2 14 set forth in section 256F.1, subsection 3, a charter magnet
2 15 school shall provide students who are enrolled in the charter
2 16 magnet school with a rigorous educational program with a

2 17 specialized focus that will prepare students to attain a
2 18 postsecondary degree. The specialized focus of the
2 19 educational program shall include at least one or more of the
2 20 following subject areas:

- 2 21 a. Science.
- 2 22 b. Mathematics.
- 2 23 c. Engineering.
- 2 24 d. Computer science.
- 2 25 e. Biotechnology.
- 2 26 f. International studies, emphasizing foreign languages,
- 2 27 social sciences, and communications.

2 28 6B. An application submitted to the state board pursuant
2 29 to this section shall set forth the manner in which the
2 30 charter school will provide special instruction, in accordance
2 31 with section 280.4, to students who are limited English
2 32 proficient. The application shall set forth the manner in
2 33 which the charter school will comply with federal and state
2 34 laws and regulations relating to the federal National School
2 35 Lunch Act and the federal Child Nutrition Act of 1966, 42
3 1 U.S.C. } 1751=1785, and chapter 283A. The state board shall
3 2 approve only those applications that meet the requirements
3 3 specified in section 256F.1, subsection 3, and sections 256F.4
3 4 and 256F.5. The state board may deny an application if the
3 5 state board deems that approval of the application is not in
3 6 the best interest of the affected students. The state board
3 7 shall approve not more than ten charter school applications.
3 8 The state board shall approve not more than one charter school
3 9 application per school district. However, if the state board
3 10 receives ten or fewer applications as of June 30, 2003, and
3 11 two or more of the applications received by the state board by
3 12 that date are submitted by one school district, the state
3 13 board may approve any or all of the applications submitted by
3 14 the school district. The state board shall adopt rules in
3 15 accordance with chapter 17A for the implementation of this
3 16 chapter.

3 17 Sec. 6. Section 256F.4, subsection 4, Code 2005, is
3 18 amended to read as follows:

3 19 4. A charter school shall enroll an eligible resident
3 20 student who submits a timely application unless the number of
3 21 applications exceeds the capacity of a program, class, grade
3 22 level, or building. In this case, students must be accepted
3 23 by lot. A charter school may enroll an eligible nonresident
3 24 student who submits a timely application in accordance with
3 25 the student admission policy established pursuant to section
3 26 256F.5, subsection 1.

3 27 a. If the charter school enrolls an eligible nonresident
3 28 student, the charter school shall notify the school district
3 29 and, if applicable, the sending district not later than March
3 30 1 of the preceding school year. Transportation for the
3 31 student shall be in accordance with section 282.18, subsection
3 32 10, except as provided in paragraph "b". The sending district
3 33 shall make payments to the charter school in the manner
3 34 required under section 282.18, subsection 7.

3 35 b. Transportation to and from a charter magnet school for
4 1 a student attending the charter magnet school shall be
4 2 provided by the parent or guardian without reimbursement.
4 3 However, if the student meets the economic eligibility
4 4 requirements established by the department and state board of
4 5 education, the charter magnet school is responsible for
4 6 providing transportation or paying the pro rata cost of the
4 7 transportation to a parent or guardian for transporting the
4 8 pupil to and from the charter magnet school.

4 9 Sec. 7. Section 256F.4, subsection 7, Code 2005, is
4 10 amended to read as follows:

4 11 7. A charter school shall be considered a part of the
4 12 school district in which it is located for purposes of state
4 13 school foundation aid pursuant to chapter 257. However, a
4 14 student enrolled in a charter school established pursuant to
4 15 section 256F.3, subsection 6A, shall be counted, for state
4 16 school foundation aid purposes, in the pupil's district of
4 17 residence. A pupil's residence, for purposes of this section,
4 18 means a residence under section 282.1. The board of directors
4 19 of the district of residence shall pay to the charter magnet
4 20 school established pursuant to section 256F.3, subsection 6A,
4 21 the state cost per pupil for the previous school year, plus
4 22 any moneys received for the pupil as a result of the non-
4 23 English speaking weighting under section 280.4, subsection 3,
4 24 for the previous school year multiplied by the state cost per
4 25 pupil for the previous year. If the student enrolled in the
4 26 charter magnet school is also an eligible pupil under chapter
4 27 261C, the receiving district shall pay the tuition

4 28 reimbursement amount to an eligible postsecondary institution
4 29 as provided in section 261C.6.

4 30 Sec. 8. Section 256F.4, Code 2005, is amended by adding
4 31 the following new subsection:

4 32 NEW SUBSECTION. 9. A charter magnet school established
4 33 pursuant to section 256F.3, subsection 6A, shall establish
4 34 graduation requirements and may award diplomas to students who
4 35 meet the graduation requirements established.

5 1 Sec. 9. Section 256F.5, subsection 4, Code 2005, is
5 2 amended to read as follows:

5 3 4. The method for appointing or forming an advisory
5 4 council for the charter school. The membership of an advisory
5 5 council appointed or formed in accordance with this chapter
5 6 shall not include more than one member of the school board if
5 7 the charter school is established pursuant to section 256F.3,
5 8 subsections 2 through 6.

5 9 Sec. 10. Section 256F.6, subsections 1 and 3, Code 2005,
5 10 are amended to read as follows:

5 11 1. An approved charter school application shall constitute
5 12 an agreement, the terms of which shall, at a minimum, be the
5 13 terms of a four-year enforceable, renewable contract between
5 14 the school board or a public postsecondary institution and the
5 15 state board. The contract shall include an operating
5 16 agreement for the operation of the charter school. The terms
5 17 of the contract may be revised at any time with the approval
5 18 of both the state board and the school board or the public
5 19 postsecondary institution, whether or not the stated
5 20 provisions of the contract are being fulfilled. The charter
5 21 school shall provide parents and guardians of students
5 22 enrolled in the charter school with a copy of the charter
5 23 school application approved pursuant to section 256F.5.

5 24 3. The state board of education shall provide by rule for
5 25 the ongoing review of a school board's or public postsecondary
5 26 institution's compliance with a contract entered into in
5 27 accordance with this chapter.

5 28 Sec. 11. Section 256F.7, subsections 2 and 3, Code 2005,
5 29 are amended to read as follows:

5 30 2. The school board, or the public postsecondary
5 31 institution if the charter school is established pursuant to
5 32 section 256F.3, subsection 6A, in consultation with the
5 33 advisory council, shall decide matters related to the
5 34 operation of the school, including budgeting, curriculum, and
5 35 operating procedures.

6 1 3. Employees of a charter school shall be considered
6 2 employees of the school district, or if the charter school is
6 3 established pursuant to section 256F.3, subsection 6A, the
6 4 public postsecondary institution. However, sections 279.12
6 5 through 279.19 and section 279.27 shall apply to employees of
6 6 a charter school if the employees are licensed by the board of
6 7 educational examiners under chapter 272 and the charter school
6 8 is established pursuant to section 256F.3, subsection 6A. In
6 9 applying those sections in chapter 279, references to the
6 10 board of directors of a school district shall be interpreted
6 11 to apply to the public postsecondary institution.

6 12 Sec. 12. Section 256F.8, subsection 1, unnumbered
6 13 paragraph 1, Code 2005, is amended to read as follows:

6 14 A contract for the establishment of a charter school may be
6 15 revoked by the state board or the school board or public
6 16 postsecondary institution that established the charter school
6 17 if the appropriate board determines that one or more of the
6 18 following occurred:

6 19 Sec. 13. Section 256F.8, subsections 2, 3, 4, 6, and 7,
6 20 Code 2005, are amended to read as follows:

6 21 2. The decision by a school board or public postsecondary
6 22 institution to revoke or to fail to take action to renew a
6 23 charter school contract is subject to appeal under procedures
6 24 set forth in chapter 290.

6 25 3. A school board or public postsecondary institution
6 26 considering revocation or nonrenewal of a charter school
6 27 contract shall notify the advisory council, the parents or
6 28 guardians of the students enrolled in the charter school, and
6 29 the teachers and administrators employed by the charter
6 30 school, sixty days prior to revoking or the date by which the
6 31 contract must be renewed, but not later than the last day of
6 32 classes in the school year.

6 33 4. If the state board determines that a charter school is
6 34 in substantial violation of the terms of the contract, the
6 35 state board shall notify the school board or the public
7 1 postsecondary institution and the advisory council of its
7 2 intention to revoke the contract at least sixty days prior to
7 3 revoking a contract and the school board or the public

7 4 postsecondary institution shall assume oversight authority,
7 5 operational authority, or both oversight and operational
7 6 authority. The notice shall state the grounds for the
7 7 proposed action in writing and in reasonable detail. The
7 8 school board or the public postsecondary institution may
7 9 request in writing an informal hearing before the state board
7 10 within fourteen days of receiving notice of revocation of the
7 11 contract. Upon receiving a timely written request for a
7 12 hearing, the state board shall give reasonable notice to the
7 13 school board or the public postsecondary institution of the
7 14 hearing date. The state board shall conduct an informal
7 15 hearing before taking final action. Final action to revoke a
7 16 contract shall be taken in a manner least disruptive to
7 17 students enrolled in the charter school. The state board
7 18 shall take final action to revoke or approve continuation of a
7 19 contract by the last day of classes in the school year. If
7 20 the final action to revoke a contract under this section
7 21 occurs prior to the last day of classes in the school year, a
7 22 charter school student may enroll in the resident district.

7 23 6. A school board or public postsecondary institution
7 24 revoking a contract or a school board or public postsecondary
7 25 institution or advisory council that fails to renew a contract
7 26 under this chapter is not liable for that action to the
7 27 charter school, a student enrolled in the charter school or
7 28 the student's parent or guardian, or any other person.

7 29 7. In the case of a revocation or a nonrenewal of the
7 30 charter, the school board or public postsecondary institution
7 31 is exempt from the state board's "Barker guidelines", as
7 32 provided in 1 D.P.I. App. Dec. 145 (1977).

7 33 Sec. 14. Section 256F.10, subsection 1, Code 2005, is
7 34 amended to read as follows:

7 35 1. A charter school shall report at least annually to the
8 1 school board or the public postsecondary institution, as
8 2 applicable, advisory council, and the state board the
8 3 information required by the school board or the public
8 4 postsecondary institution, as applicable, advisory council, or
8 5 the state board. The reports are public records subject to
8 6 chapter 22.

8 7 Sec. 15. EFFECTIVE DATE. This Act, being deemed of
8 8 immediate importance, takes effect upon enactment.

8 9 HF 2445

8 10 kh:rj/es/25